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HONORABLE EDWARD F. SHEA

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

ALBERT M. ZLOTNICK,

Plaintiff,

v.

WORKLAND & WITHERSPOON,
PLLC, GREGORY LIPSKER and JANE
DOE LIPSKER, and the marital
community comprised thereof,

Defendants.

No. CV-04-140-EFS

PLAINTIFF'S FIRST
INTERROGATORIES AND
REQUESTS FOR PRODUCTION
OF DOCUMENTS TO
DEFENDANT WORKLAND &
WITHERSPOON, PLLC

Plaintiff Albert M. Zlotnick, by his attorneys, Lane Powell Spears Lubersky LLP, pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, submit the following Interrogatories to be responded to by defendant Workland & Witherspoon, PLLC, under oath, and requests that defendant produce and allow Plaintiff's counsel to inspect and photocopy the following described documents, within thirty (30) days

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO WORKLAND & WITHERSPOON, PLLC - 1

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COPY

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1 after service hereof. All documents or other material to be produced shall be
2 produced to Lane Powell PC, 1420 Fifth Avenue, Suite 4100, Seattle, Washington
3 98101, unless otherwise agreed upon by counsel.

4 INSTRUCTIONS AND DEFINITIONS

5 A. Whenever in the discovery requests there is a request to identify a person,
6 please identify such person by setting forth his or her name and age, present
7 residence address and telephone number, business address and telephone
8 number, job title and description of such person's relationship to the subject
9 matter of this lawsuit.

10 B. Whenever the term "person" is used herein, it means any natural person,
11 corporation, association, general or limited partnership, joint venture, trust or
12 any other organization with a separate identity.

13 C. These discovery requests are continuing in nature. If any information addressed
14 by the discovery requests is not learned until after the discovery requests are
15 answered, or for any reason any answer later becomes incorrect, pursuant to
16 F.R.C.P. Rule 26(e) and applicable case law, the party answering these
17 discovery requests shall supplement or change the answers previously
18 submitted.

19 D. With respect to all documents which are not produced to Plaintiff for any
20 reason, please provide a "Privilege Log" which identifies the document by
21 setting forth the date of the document, the nature of the document (i.e.,
22 memorandum, letter, etc.), the author of the document, the name and title of

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1 each person to whom the documents (or a copy thereof) was sent or shown, the
2 general subject matter of the document and the specific basis relied upon for not
3 producing the document (such as, by way of example only, "attorney-client"
4 privilege).

5 E. The terms "document," "documents," or "documentation," as used in these
6 interrogatories and/or requests for production, have the same meaning here as in
7 FRCP 34, and includes writings of any kind and character pertaining to the
8 designated subject matter, including, without limitation, the original and copy,
9 regardless of origin or location, of any book, pamphlet, periodical, letter,
10 memorandum, diary, file, note, statement, bill, invoice, policy, telegram,
11 correspondence, e-mail, summary, receipt, opinion, investigation statement or
12 report, schedule, manual, financial statement, audit, tax return, draft, articles of
13 incorporation, bylaws, stock book, minute book, agreement, contract, deed,
14 security agreement, mortgage, deed of trust, title or other insurance policy,
15 report, record, study, handwritten note, typewritten note, map, drawing,
16 working paper, chart, paper, index, tape, microfilm, data sheet, data processing
17 card, or any other written, typed, printed, photocopied, dittoed, mimeographed,
18 multilithed, recorded, transcribed, punched, taped, filmed, photographic or
19 graphic matters, however produced, to which you may have or have had access.
20 If said document is no longer in your possession or subject to your control, state
21 what disposition is made of the same and where it is presently located. include
22 any written, graphic or printed matter and any matter recorded on any media

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1 permitting reproduction (specifically including all data, text and images
2 maintained in any electronic format). Where documents are maintained both
3 electronically and in hard copy format, both versions of the documents should
4 be produced in the format in which they are maintained.

5 F. A request to produce documents is a request to produce all documents in the
6 possession, custody or control of the party to whom the request is directed and
7 that party's officers, employees and agents, including the party's past or present
8 counsel, consultants, and accountants.

9
10 These discovery requests are continuing and require supplemental answers upon
11 discovery of additional pertinent information. See FRCP 26(g).

12 INTERROGATORIES

13 INTERROGATORY NO. 1: State your full name, date of birth and Social
14 Security number. In the case of a partnership, corporation, or similar business entity,
15 state the entity's legal name, names of all individual members, partners, and/or
16 shareholders, date of creation, and organizational nature and structure.

17 RESPONSE:

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PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
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1 INTERROGATORY NO. 2: Identify each person whom you expect to call as an
2 expert witness at trial, along with the expert's address and telephone number, the subject
3 matter on which the expert is expected to testify, the substance of the facts and opinions
4 to which the expert is expected to testify, a summary of the grounds for each opinion,
5 state such other information about the expert as may be discoverable under the Federal
6 Rules of Civil Procedure, and identify any documents provided to, generated by or
7 reviewed by the above experts in relation to your consultation with them in this matter.
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9 RESPONSE:
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14 INTERROGATORY NO. 3: Identify all documents in your possession, custody
15 or control relating in any way to plaintiff Albert Zlotnick.

16 RESPONSE:
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PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
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1 INTERROGATORY NO. 4: Identify all legal services, and all other services of
2 any kind, on any matter, that you have provided to plaintiff Albert Zlotnick, or any agent,
3 employee, or affiliated company of Mr. Zlotnick.

4 RESPONSE:
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9 INTERROGATORY NO. 5: Identify all legal services, and all other services of
10 any kind, on any matter, that you have provided to Charles Band, iSurrender.com, Inc.,
11 Cimarron-Grandview, Inc., Full Moon Universe, Inc., Full Moon Universe, Inc., a
12 Washington Corporation, or any agent, employee, or affiliated company of any of the
13 individuals or entities named in this interrogatory.
14

15 RESPONSE:
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19 INTERROGATORY NO. 6: Identify and describe in detail the procedures, if any,
20 that you had in place from January 1, 1999 through December 31, 2001 regarding all of
21 the following:
22

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1 (a) Identifying and disclosing actual or potential conflicts of interest in your
2 legal representation of your clients;

3 (b) Malpractice prevention policies and practices;

4 (c) Peer review of legal services performed by Gregory Lipsker; and

5 (d) Legal training and continuing legal education.
6

7 RESPONSE:
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11 INTERROGATORY NO. 7: Identify all facts upon which you rely in support of
12 your Affirmative Defenses No. 2 and No. 3.
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14 RESPONSE:
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20 INTERROGATORY NO. 8: Identify all facts upon which you rely in support of
21 your denial in paragraphs 8, 10, 11, 12, 14, 18, 21, and 22 of your Answer to Plaintiff's
22

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
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1 Complaint that "Defendants deny the existence of 'the Transaction' as characterized in
2 the Complaint[.]"

3 RESPONSE:

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8 INTERROGATORY NO. 9: In your own words, describe in detail the nature of
9 the transaction described in plaintiff's complaint involving Albert Zlotnick on one hand,
10 and Charles Band and his agents and companies on the other hand, including but not
11 limited to a detailed description of the following:

- 12 (a) How the transaction was conceived, and by whom;
- 13 (b) An identification all entities involved in the transaction (including
- 14 corporate entities), and a description of the involvement and role of each such entity in
- 15 the transaction;
- 16 (c) The general framework and structure of the transaction;
- 17 (d) A chronological description of the actions taken to facilitate the transaction;
- 18 and
- 19 (e) All due diligence efforts undertaken with respect to the transaction.
- 20
- 21

22 RESPONSE:

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO WORKLAND & WITHERSPOON, PLLC - 8

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5 INTERROGATORY NO. 10: Identify all documents not produced or withheld in
6 response to these discovery requests based upon claims of privilege or work product.

7 RESPONSE:
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10 INTERROGATORY NO. 11: Identify each person who worked on preparing
11 these responses to plaintiff's first discovery requests. Provide the name, address,
12 telephone number, employer, and position for each such person.
13

14 RESPONSE:
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18 **REQUESTS FOR PRODUCTION**

19 REQUEST FOR PRODUCTION NO. 1: Produce the curriculum vitae of all
20 experts identified in response to Interrogatory No. 2.
21

22 RESPONSE:

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO WORKLAND & WITHERSPOON, PLLC - 9

CV-04-140-EFS

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5 REQUEST FOR PRODUCTION NO. 2: Produce copies of all documents in
6 your possession, custody or control relating in any way to plaintiff Albert Zlotnick.

7 RESPONSE:
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10 REQUEST FOR PRODUCTION NO. 3: Produce copies of all documents in
11 your possession, custody or control relating in any way to all legal services, and all other
12 services of any kind, on any matter, that you have provided to plaintiff Albert Zlotnick,
13 or any agent, employee, or affiliated company of Mr. Zlotnick.
14

15 RESPONSE:
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1 REQUEST FOR PRODUCTION NO. 4: Produce copies of all documents in
2 your possession, custody or control relating in any way to all legal services, and all other
3 services of any kind, on any matter, that you have provided to Charles Band,
4 iSurrender.com, Inc., Cimarron-Grandview, Inc., Full Moon Universe, Inc., Full Moon
5 Universe, Inc., a Washington Corporation, or any agent, employee, or affiliated
6 company of any of the individuals or entities named in this request.
7

8 RESPONSE:
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14 REQUEST FOR PRODUCTION NO. 5: Produce copies of all documents
15 identified, consulted, and/or referred to in responding to Interrogatory No. 6.

16 RESPONSE:
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1 REQUEST FOR PRODUCTION NO. 6: Produce copies of all documents upon
2 which you rely in support of your Affirmative Defenses No. 2 and No. 3.

3 RESPONSE:
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8 REQUEST FOR PRODUCTION NO. 7: Produce copies of all documents
9 identified, consulted, relevant to, and/or referred to in responding to Interrogatory No. 8.

10 RESPONSE:
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15 REQUEST FOR PRODUCTION NO. 8: Produce copies of all documents
16 identified, consulted, relevant to, and/or referred to in responding to Interrogatory No. 9.

17 RESPONSE:
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PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
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1 REQUEST FOR PRODUCTION NO. 9: Produce all retainer letters associated
2 with any and all legal services, and all other services of any kind, on any matter, that you
3 have provided to plaintiff Albert Zlotnick, and/or any agent, employee, or affiliated
4 company of Mr. Zlotnick.

5 RESPONSE:
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9 REQUEST FOR PRODUCTION NO. 10: Produce all retainer letters associated
10 with any and all legal services, and all other services of any kind, on any matter, that you
11 have provided to Charles Band, iSurrender.com, Inc., Cimarron-Grandview, Inc., Full
12 Moon Universe, Inc., Full Moon Universe, Inc., a Washington Corporation, and/or any
13 agent, employee, or affiliated company of any of the individuals or entities named in
14 this request.
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16 RESPONSE:
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20 REQUEST FOR PRODUCTION NO. 11: Produce all invoices generated by you
21 for any and all legal services, and all other services of any kind, on any matter, that you
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PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
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1 have provided to plaintiff Albert Zlotnick, and/or any agent, employee, or affiliated
2 company of Mr. Zlotnick.

3 RESPONSE:
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8 REQUEST FOR PRODUCTION NO. 12: Produce all invoices generated by you
9 for any and all legal services, and all other services of any kind, on any matter, that you
10 have provided to Charles Band, iSurrender.com, Inc., Cimarron-Grandview, Inc., Full
11 Moon Universe, Inc., Full Moon Universe, Inc., a Washington Corporation, and/or any
12 agent, employee, or affiliated company of any of the individuals or entities named in
13 this request.
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15 RESPONSE:
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20 REQUEST FOR PRODUCTION NO. 13: Produce all documents relevant to
21 and/or establishing the receipt of payment, and the source of payment, by you for any
22 and all legal services, and all other services of any kind, on any matter, that you have

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO WORKLAND & WITHERSPOON, PLLC - 14

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1 provided to plaintiff Albert Zlotnick, and/or any agent, employee, or affiliated company
2 of Mr. Zlotnick.

3 RESPONSE:

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8 REQUEST FOR PRODUCTION NO. 14: Produce all documents relevant to
9 and/or establishing the receipt of payment, and the source of payment, by you for any
10 and all legal services, and all other services of any kind, on any matter, that you have
11 provided to Charles Band, iSurrender.com, Inc., Cimarron-Grandview, Inc., Full Moon
12 Universe, Inc., Full Moon Universe, Inc., a Washington Corporation, and/or any agent,
13 employee, or affiliated company of any of the individuals or entities named in this
14 request.
15

16 RESPONSE:

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21 REQUEST FOR PRODUCTION NO. 15: Produce all documents in your
22 possession, custody, or control pertaining in any way to Cimarron-Grandview, Inc.,

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
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1 including but not limited to all accounting records, check registers, trust account
2 information, corporate filings, bylaws, incorporation documents, annual reports,
3 minutes, correspondence, resolutions, amendments, and similar documents.

4 RESPONSE:

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8 REQUEST FOR PRODUCTION NO. 16: Produce all documents in your
9 possession, custody, or control pertaining in any way to iSurrender.com, Inc., including
10 but not limited to all accounting records, check registers, trust account information,
11 corporate filings, bylaws, incorporation documents, annual reports, minutes,
12 correspondence, resolutions, amendments, and similar documents.

13 RESPONSE:

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18 REQUEST FOR PRODUCTION NO. 17: Produce all documents in your
19 possession, custody, or control pertaining in any way to Full Moon Universe, Inc.,
20 including but not limited to all accounting records, check registers, trust account
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PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO WORKLAND & WITHERSPOON, PLLC - 16

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1 information, corporate filings, bylaws, incorporation documents, annual reports,
2 minutes, correspondence, resolutions, amendments, and similar documents.

3 RESPONSE:

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8 REQUEST FOR PRODUCTION NO. 18: Produce all documents in your
9 possession, custody, or control pertaining in any way to Full Moon Universe, Inc., a
10 Washington Corporation, including but not limited to all accounting records, check
11 registers, trust account information, corporate filings, bylaws, incorporation documents,
12 annual reports, minutes, correspondence, resolutions, amendments, and similar
13 documents.
14

15 RESPONSE:

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18 REQUEST FOR PRODUCTION NO. 19: Produce all documents reflecting
19 communications between you and Charles Band, any of Charles Band's affiliated
20 companies, employees, representatives, accountants, consultants, and/or legal counsel, at
21 any time and for any matter.
22

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO WORKLAND & WITHERSPOON, PLLC - 17

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1 RESPONSE:

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5 REQUEST FOR PRODUCTION NO. 20: Produce all documents generated by
6 you reflecting any communications, including but not limited to conflict disclosure
7 and/or waiver letters, between you and plaintiff Albert Zlotnick regarding any actual or
8 potential conflicts of interest arising out of the services identified in your response to
9 Interrogatory No. 4.
10

11 RESPONSE:

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16 REQUEST FOR PRODUCTION NO. 21: Produce all documents reflecting any
17 and all efforts you undertook to identify and disclose to Mr. Zlotnick the risks involved
18 in the transaction between Mr. Zlotnick and Charles Band and any of Charles Band's
19 affiliated companies, employees, representatives, accountants, consultants, and/or legal
20 counsel.
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PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO WORKLAND & WITHERSPOON, PLLC - 18

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1 RESPONSE:

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6 REQUEST FOR PRODUCTION NO. 22: Produce all documents reflecting any
7 and all efforts you undertook to perfect security interests in any and all of the collateral
8 provided or offered to Mr. Zlotnick by Charles Band, any of Charles Band's affiliated
9 companies, employees, representatives, accountants, consultants, and/or legal counsel.

10 RESPONSE:
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17 REQUEST FOR PRODUCTION NO. 23: Produce all documents identifying
18 and/or relevant to all current and former shareholders of Cimarron-Grandview, Inc., the
19 amount of shares of stock held by each such shareholder at all times, and the dollar value
20 of those shares.
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22 RESPONSE:

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO WORKLAND & WITHERSPOON, PLLC - 19
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6 REQUEST FOR PRODUCTION NO. 24: Produce all documents identifying
7 and/or relevant to all current and former shareholders of iSurrender.com, Inc., the
8 amount of shares of stock held by each such shareholder at all times, and the dollar value
9 of those shares.

10 RESPONSE:
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17 REQUEST FOR PRODUCTION NO. 25: Produce all documents identifying
18 and/or relevant to all current and former shareholders of Full Moon Universe, Inc., the
19 amount of shares of stock held by each such shareholder at all times, and the dollar value
20 of those shares.
21

22 RESPONSE:

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
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5 REQUEST FOR PRODUCTION NO. 26: Produce all documents identifying
6 and/or relevant to all current and former shareholders of Full Moon Universe, Inc., a
7 Washington Corporation, the amount of shares of stock held by each such shareholder at
8 all times, and the dollar value of those shares.

9 RESPONSE:
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13 REQUEST FOR PRODUCTION NO. 27: Produce all documents in your
14 possession, custody, or control which are in any way relevant to any of the allegations in
15 plaintiff's complaint in this matter, and which have not already been produced pursuant
16 to other discovery requests herein.

17 RESPONSE:
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21 REQUEST FOR PRODUCTION NO. 28: Please produce a privilege log
22 identifying all documents not produced or withheld in response to these requests for

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
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1 production based upon claims of privilege or work product, including but not limited to
2 all documents identified in your response to Interrogatory No. 10.

3 RESPONSE:

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7 **You are directed that you are required to timely supplement your answers**
8 **and responses to the above Interrogatories and Requests for Production of**
9 **Documents.**

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13 DATED this 26 day of January, 2005.

14 LANE POWELL PC

15
16 By 

17 James B. Stoetzer, WSBA No. 06298

18 Matthew J. Macario, WSBA No. 26522

19 Attorneys for Plaintiff

20 Albert M. Zlotnick

21 Suite 4100

22 1420 Fifth Avenue

Seattle, WA 98101

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PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
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VERIFICATION

Answers and responses dated this ____ day of _____, 2005.

By _____
James B. King, WSBA # _____
Attorneys for Defendants

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

_____, being first duly sworn on oath, deposes and says:

That she/he is the _____ [title] of defendant Workland & Witherspoon, PLLC in the foregoing action; that she/he has read the foregoing Answers to Interrogatories and Requests for Production, knows the contents thereof, and believes the same to be true, and has authority to sign the foregoing Answers to Interrogatories and Requests for Production on behalf of defendant Workland & Witherspoon, PLLC.

[Name]

[Title]

SUBSCRIBED AND SWORN to before me by _____ on this ____ day of _____, 2005.

Print Name
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My appointment expires: _____

PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR
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